1947.

**File No.** Requisitioning II/47

Legal **DEPARTMENT**

B **BRANCH**

K

K/2115

**Subject:—** Requisitioning II

Rules and notifications under the Bombay Land Requisition ordinance of the year 1947 P 12E

**File No.** Requisitioning II/47

Std. Sectt. Slip 24 B. e.

1947-B

# C O N T E N T S.

Legal Department File No.Requisitioning II/47.

| Sr.No. | Compilation No. | Subject. | Pages. |
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| | | Rules & Notifications under the Bombay Land Requisiton Ordinance of the year 1947.. | |
| (1) | O.No.11252/25.11.47 | Sec.4(1) Notification under Sec.16 - Notn. under .... | 1-3- 5 |
| (2) | O.No.11621/4.12.47 | Sec.13 Notification under | 7-9 |
| (3) | O.No.13405/24.12.47 | Sec.5 Formed draft order under | 11-13 |
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| (5) | O.No.13038/17.12.47 | Sec.4(4) - Order under | 19-21. |

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Office of the R.L.A.

Two revised notifications are sent herewith.

2. The form of intimation sent by the H. & L.G.Deptt refers in column 3 to the user of rooms. It is presumed that what is meant by 'user' is the purpose for which according to the landlord, the rooms are to be used. In sub-section (2) of section 4 of the Ordinance, an intimation has to be given within one month of the date of the notification in the case of premises which are vacant on that date and in other cases, within 7 days of the premises becoming vacant. It will, therefore, be necessary to state in the Form of intimation the actual date on which vacancy has occurred and not the date on which such vacancy will occur. The words "or will occur" in column 7 of the draft Form have, therefore, been omitted.

Id.P.M.L. 25.11.
Remembrancer of Legal Affairs.

U.R. to H. & L.G.Deptt. No.11252 dated the 25th November '47.

Nair/-

No.

Health and Local Government Department,
Bombay Castle, November 1947.

# N O T I F I C A T I O N.

Bombay Land Requisition Ordinance, 1947.

In exercise of the powers conferred by sub-section (1) of section 4 of the Bombay Land Requisition Ordinance, 1947 (Bombay Ordinance No. of 1947), the Government of Bombay is pleased --

(i) to specify the City of Bombay as the area; and

(ii) to authorise the Secretary to the Government of Bombay, Health and Local Government Department, for the purposes of the said sub-section (1).

By order of the Governor of Bombay,

Secretary to Government.

Nair/-

No.
Health and Local Government Department,
Bombay Castle, November 1947.

NOTIFICATION

Bombay Land Requisition Ordinance, 1947.

In exercise of the powers conferred by section 16 of the Bombay Land Requisition Ordinance, 1947 (Bombay Ordinance No. of 1947), the Government of Bombay is pleased to make the following rule, namely:-

Rule.

Every intimation of a vacancy under sub-section (1) of section 4 of the Bombay Land Requisition Ordinance, 1947 shall be given in the form appended hereto.

Form of intimation of vacancies.

| Full Name and address of Landlord and of his agent, if any, authorized to manage the premises. | Location of vacant premises (that is, Number of street, ward, house and floor). | Description of vacant premises that is, number of rooms and the purpose for which, according to the landlord, each of them is to be used and approximate floor space in square feet of each room. | Purpose for which vacant premises were last let. | Whether furnished or unfurnished and, if furnished, brief details of furniture. | Rent. | Date on which vacancy occurred. |
|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

Date 194 .

Signature of Landlord.

By order of the Governor of Bombay,

Secretary to Government.

Nair/-

Office of the R.L.A.

The draft notification at page 3, as slightly amended, is in order.

P.M.D.
Remembrancer of Legal Affairs,

U.R. to H. & L.G.D., No.1162, dated the 4th December 1947.

Nair/

Health and Local Government Department.
Bombay Castle, December 1947.

Bombay Land Requisition Ordinance, 1947.

No.5031-B/33. - In exercise of the powers conferred by section 13 of the Bombay Land Requisition Ordinance, 1947 (Bombay Ordinance No.V of 1947), the Government of Bombay is pleased to direct that except in the City of Bombay the powers conferred and duties imposed on the Provincial Government by sections 3, 4, 5, sub-sections (1), (3), (5) and (7) of section 7, and sections 9, 10 and 12 of the said Ordinance, shall also be exercised or discharged ~~x~~ by every Collector within the limits of his jurisdiction.

By order ~~xxx~~ of the Governor of Bombay

Secretary to Government.

Nair/-

Office of the R.L.A.

The Secretary, Health & Local Government Department, has raised the following points:-

> "When we apply section 5, is de-requisitioning order necessary? Can order under section 5 be issued before/simultaneously de-requisitioning order if the latter is necessary? Should we use section 3 of 4 in such cases?"

2. Section 5(1) of the Bombay Land Requisition Ordinance, 1947, reads as follows:-

> "Notwithstanding anything contained in the Requisitioned Land (Continuance of Powers) Act, 1947, the Provincial Government may, by order in writing direct that any land which was continued under requisition under the said Act, shall continue to be subject to requisition under this ordinance when it is released from requisition under the said Act or ceases to be subject to requisition for any reason; and the Provincial Government may use or deal with the land so continued to be subject to requisition in such manner as may appear to it to be expedient.

It is not an essential pre-requisite of an order by the Provincial Government under this section that the premises should first be released from requisition or cease to be subject to requisition. The order can be made even while the premises are subject to requisition under the Act. The intention is to make such order in advance; but the order will result in subjecting the premises to requisition under the Ordinance only from the time the premises are actually released from requicition or cease to be subject to requisition under the Act. The proper course would be to issue to order under section 5 before the de-requisitioning order is made as the intention is to prevent a hiatus between the de-requisitioning under the Act and the requisitioning under section 5 of the Ordinance. Section 5 is specially intended for such cases, and the question of applying section 3 or 4 to such cases does not, therefore, arise.

PML.
Remembrancer of Legal Affairs.
W.R. to H.& L.G.D.No.13405 dt.24.12.47

ORDER.

No. . . . . .

In exercise of the powers conferred by section 6 of the Bombay Land Requisition Ordinance 1947, read with the Government Notification in the Health and Local Government Department, No.5931/33-H, dated the 8th December 1947, the Collector of Bombay is pleased to direct that flat No. . . . . which was released from requisition under the order of the Collector of Bombay No. dated the 1947 shall continue to be subject to requisition under section 6 of the said Ordinance.

Collector of Bombay.

Collector's Office.

Bombay.

Office of the R.L.A.

The proposal to authorize by notification Inspectors of Requisitioning for the purposes of section 10 is not legally feasible. That section provides that the Provincial Government may with a view to carrying out the purposes of this Ordinance by order required any person to furnish to such authority as may be specified in the order such information in his possession relating to any land which is requisitioned or is continued etc. The underlined words show that the authority must be specified in the order itself; in other words, such specification is an integral part of the order and cannot be done by a general notification of the kind now proposed.

2. Revised draft notifications in respect of powers under sections 7(7), 9 and 12 are sent herewith. It is necessary to add that in addition to this general authorization under section 7(7), the order made under section 7(7) should also describe the officer authorized; if necessary, by reference to this notification. It is presumed that the powers are to be exercised by Inspectors of Requisitioning, Bombay, with their jurisdiction, namely, the limits of the City of Bombay.

R.M.L
Remembrancer of Legal Affairs.

U.R. to H. & L.C.D. No.13339, dated the 24th Dec. 1947.

## NOTIFICATION.

Health and Local Government Department,
Bombay Castle, December 1947.

mbay Land
quisition
rdinance,
947.

No.6931/33.- In exercise of the powers conferred by sub-section (7) of Section 7 and sections 9 and 12 of the Bombay Land Requisition Ordinance, 1947 (Bombay Ordinance V of 1947), the Government of Bombay is pleased to authorize and empower the Inspectors of Requisitioning, Bombay, for the purposes of the said sub-section (7) of section 7 and sections 9 and 12, within the limits of the City of Bombay.

By order of the Governor of Bombay,

Secretary to Government.

Nett/-

Health and Local Government,
Department,
Bombay Castle, December 1947.

O R D E R.

In exercise of the powers conferred by sub-section (4) of section 4 of the Bombay Land Requisition Ordinance (Bombay Ordinance No.V of 1947), the Government of Bombay is pleased to requisition the following premises in the building known as Dallas Building situated at Art Land in Portuguese Street, Dadar, Bombay, and owned by Mr. M. D. Dallas.

| | | | |
|---|---|---|---|
| Room No. | 77 | Room No. | 74 |
| " | 66 | " | 75 |
| " | 65 | " | 70 |
| " | 47 | " | 69 |
| " | 72 | " | 45 |
| " | 80 | " | 27 |

By order of the Governor of Bombay,

Secretary to Government of Bombay,
Health and Local Government Department.

Mr./-

Office of the R.L.A.

The draft order at page 33 as amended is in order.

2. The order should be served on the landlord in the manner provided by section 11 of the Ordinance and after the premises become vacant.

Id. SBP
for Remembrancer of Legal Affairs.

U.R. to H. & L.G.D., No.13038 dated the 17th Dec.1947.